

Serial No.: 10/810,931  
Inventor(s): Masters et al.

U.S. PTO Customer No. 25280  
Case No.: 5709

## **REMARKS**

Claims 1-25 are currently pending; of these, claims 1-19 have been withdrawn from consideration following a Restriction Requirement. Therefore, Claims 20-25 are currently under consideration.

The Abstract was objected to because it did not describe the method which is being pursued in the Claims following the Restriction Requirement. Accordingly, Applicant has amended the Abstract as requested.

The Title was also objected to by the Examiner as not being descriptive of the claimed invention; accordingly, Applicant has presented the amended title proposed by the Examiner.

Claim 20 was objected to because it contained a typographical error; accordingly, this typo has been corrected. The Examiner's thoroughness in reviewing the application is acknowledged with appreciation.

The Examiner was correct in his presumption that the subject matter of all of the claims was commonly owned at the time all of the claimed inventions were made.

Claims 20-25 were rejected under 35 USC 103(a) as being unpatentable over Yilgör (5,521,273 A) in view of Lacy (3,173,189 A). Reconsideration and withdrawal of the rejection is respectfully requested for the following reasons. Yilgör is directed to a water vapor-permeable, waterproof two layer coating system having a first breathable polyurethane adhesive and a breathable polyurethaneurea top coat. (e.g., Col. 5 line 66- Col. 6, line 2.) Both the adhesive layer and the top coat material are described as having elongation at break of "better than 500-600%." (Col. 6, lines 26-27.) In contrast, the instant invention is directed to a method of making a sunscreen fabric comprising the steps of providing a warp knit fabric having at least a two bar construction, and coating the fabric with a coating comprising a *combination* of a first urethane polymer having an elongation at break of greater than or equal to 500% and a second urethane

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polymer having an elongation at break of less than 500%, wherein the ratio of the first urethane polymer to the second urethane polymer is about 10:1 on a solids basis. (Claim 20, specification p. 5 line 24 to p. 6, line 15, and specification p.10, lines 17-21.) Therefore, it is clear that the Yilgör reference does not teach *a coating* of the variety set forth in Applicant's claims, rather it is directed to multiple layers of different coatings.

With regard to the ratio of the two components within the coating, the Office has taken the position that the relative amounts of the components are simply variables that would have been achieved by routine experimentation. Applicant respectfully disagrees. As noted in Applicant's specification, the claimed method is designed to achieve a specific sunscreen fabric, i.e. one that can be positioned in a window to provide shielding from the sun's rays and glare caused by those rays. (p. 1, lines 5-6.) This requires that the fabric be able to achieve certain objectives, such as being sufficiently resistant to cup/curl and diffuse light coming through a window. (p. 1, lines 7 and 10-11.) There is no disclosure or suggestion in Yilgör of providing a fabric with those features, and in fact Yilgör teaches away from such features, by teaching a two layer coating designed to achieve a highly stretchable, drapeable fabric (Col. 4, lines 53-55.) Lacy likewise fails to disclose or suggest the claimed invention, teaching instead a knit fabric designed to resist shrinking from washing. The Lacy fabric is designed to be used for draperies, which (as will be readily appreciated by those of ordinary skill in the art) requires a highly drapeable fabric (which would thus not resist cup/curl like the fabrics of the invention.) There is nothing to suggest, absent reference to Applicant's disclosure, the claimed combination of a warp knit fabric of at least a two bar construction with a coating comprising a combination of two specific urethane polymers in specific relative proportions to each other. Furthermore, even if the references relied upon were combined as proposed, they would fail to achieve the claimed method, since they both seek to achieve products having different characteristics than that of the invention. Therefore, it is maintained that a *prima facie* case of obviousness has not been made, and it is requested that the rejection be withdrawn.

With regard to Claim 25, Applicant maintains that the references fail to disclose or suggest the invention as claimed for the reasons described above. In addition, there

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is no disclosure or suggestion of forming a sunscreen such as that claimed by  
Applicant. This claim has been amended to specifically recite a sunscreen. Support for  
this can be found in

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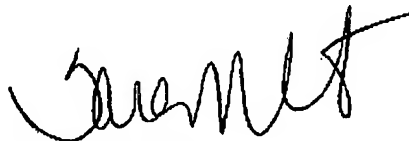
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### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner find that any issues remain outstanding following consideration of this Response, he is invited to telephone the undersigned in the interest of resolving such matters in an expedient manner.

Respectfully submitted,



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